THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DISPLAY TECHNOLOGIES, LLC,	
Plaintiff,	
v.	**CASE NO. 2:23-cv-00591-JRG-RSP**
SIRIUS XM RADIO INC.,	**JURY TRIAL DEMANDED**
Defendant.	

RESPONSE TO DEFENDANT'S MOTION TO DISMISS

On March 4, 2024, Defendant Sirius XM Radio Inc. filed a Motion to Dismiss under F.R.C.P. 12(b)(6) (Dkt. No. 13) ("MTD"). Plaintiff Display Technologies, LLC has filed an Amended Complaint (Dkt. No. 18).

It is well established that a later-filed amended complaint moots a motion asking the Court to dismiss an earlier-filed complaint. *See Griffin v. Am. Zurich Ins. Co*., 697 F. App'x 793, 797 (5th Cir. 2017) ("Once filed, that amended complaint rendered all earlier motions … moot."); *see also Bishop Display Tech LLC v. Samsung Elecs. Co., Ltd*., No. 2:21-cv-00139-JRG, Dkt. No. 40 (E.D. Tex. Oct. 4, 2021) ("Once Plaintiff filed its amended complaint, the Motion became moot."); *Ultravision Technologies, LLC v. Eaton Corp. PLC*, No. 2:19-CV-00290-JRG, 2019 WL

11250161, at *1 (E.D. Tex. Nov. 7, 2019) ("Accordingly, the filing of an amended complaint moots a motion to dismiss the original complaint.").

Accordingly, Defendant's Motion to Dismiss is now moot.

Dated: April 1, 2024

Respectfully Submitted,

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COUNSEL FOR PLAINTIFF

<u>CERTIFICATE OF SERVICE</u>

I hereby certify that I electronically filed the foregoing using the Court's Case Management and Electronic Case Filing system, which will send notification of such filing to counsel of record in this action registered with the Court's system. Those counsel not registered with the Court's system will receive service via electronic and U.S. Mail.

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/s/ Randall Garteiser

Randall Garteiser

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